

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MARCH 23, 2006

SENATE BILL

No. 1162

Introduced by Senator Cedillo

(Principal coauthor: ~~Assembly Member Lieber~~)

(~~Coauthor: Senator Perata~~)

January 10, 2006

~~An act to add Section 1182.12 to the Labor Code, relating to the minimum wage. An act to amend Section 5164 of the Public Resources Code, and to amend Sections 1653.5, 12800, 12801, 12801.5, 14610.7, and 40000.11 of, and to add Sections 1653.6, 1672.6, 1808.10, 12801.2, 12801.25, 12801.3, 12801.9, 12801.10, 12801.11, and 14900.2 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1162, as amended, Cedillo. ~~Minimum wage increase. Drivers license and identification cards.~~

(1) Existing law requires the Department of Motor Vehicles (hereafter the department), upon proper application, to issue driver's licenses and identification cards.

This bill would require the department, upon receipt of full federal funding to implement the federal Real ID Act of 2005 (Public Law 109-13), to issue licenses and cards under the Vehicle Code that are in compliance with specified requirements of the federal Real ID Act of 2005.

(2) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by

the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number. Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those driver's license forms to contain a section for the applicant's social security account number, federal individual taxpayer identification number, or other identifier or number that is deemed appropriate by the department. The bill would allow an applicant for a driver's license who is presently not eligible for a social security account number, but who submits a specified affidavit signed under penalty of perjury, and a federal individual taxpayer identification number or other number or identifier that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number, and those documents would be acceptable until the applicant obtains a social security account number. The bill would require that applicant upon obtaining a social security account number to provide that social security account number to the department. The bill would establish an administrative appeal procedure for those applicants whose applications are denied. The bill would require an application for a commercial driver's license to include the applicant's social security account number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would also prohibit the department from including an applicant's federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department on a driver's license, registration, certificate of title, or any other document issued by the department. The bill would declare that information obtained by the department regarding an applicant's federal individual taxpayer identification number or other information

collected is not a public record and would prohibit the department from disclosing that information, except in specified circumstances.

(3) Existing law requires the Department of Motor Vehicles, upon proper application, to issue a class C or M driver's licenses.

This bill would require an applicant for an original driver's license to sign a 2 part statement developed by the department, informing the applicant of the limitations and entitlements associated with the issuance of the driver's license and requiring the applicant to affirm that if he or she is not a citizen or legal resident of the United States that the applicant has applied for legal residency or will apply for legal residency under the United States immigration laws. The bill would require the 2 part statement to be signed under penalty of perjury. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law provides that specified records of the Department of Motor Vehicles, with certain exceptions, are open to public inspection. Existing law requires that the Attorney General, district attorneys, law enforcement agencies, public defenders, and public defender investigators, have access to department records that are open to the public on an equal basis. Existing law requires applications for driver's licenses and identification cards to contain specified information.

This bill would authorize the Department of Justice to request information from the Department of Motor Vehicles, as specified, for the sole purpose of determining whether an applicant is eligible to possess a firearm, dangerous weapon, or explosive. This bill would prohibit the Department of Justice from providing the information to the federal government or any other law enforcement agency, except in connection with prosecuting a person for illegally attempting to purchase or obtain a firearm, dangerous weapon, or explosive.

(5) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements. The bill would, however, require an applicant who furnishes the department with his or her

federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department, and who does not have a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified, to present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and, in addition, one other specified document determined acceptable by the department. The bill would permit an applicant who does not possess a birth certificate or record of birth to instead present 2 or more of those specified documents.

This bill would also require the department to require an applicant described above to submit fingerprint images and related information to the department as specified, and would require the department to forward that submission to the Department of Justice for specified purposes related to a record of the person's criminal convictions. The bill would require the Department of Justice to provide the department with a report on the applicant, as specified, and would require the Department of Justice to assess a fee on the applicant to cover the Department of Justice's costs in performing that service. The bill would prohibit the department from issuing a driver's license to a person on whom it has received a report indicating that the person has a conviction of a public offense other than driving without a driver's license, or other specified offenses. The bill would require the department to provide a person with specified information regarding the denial of the application and an opportunity to appeal.

The bill would require the department to require the applicant described above to affirm that he or she has been living in California for at least one year prior to the application and to submit two of several specified documents relating to residence to the department, or to declare under penalty of perjury that he or she does not have a principal residence, as specified. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would require the department to charge the applicant described above a fee sufficient to cover the costs incurred by the department in processing the application for that driver's license, instead of an existing fee for an original driver's license application.

The bill would require the department to issue an applicant for a driver's license who has a valid application verification number

issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified, and who is otherwise eligible for a driver's license, a driver's license for a limited term of 18 months. The bill would require the department to renew the license for consecutive one-year periods until a certain date, as specified. The bill would require the department to verify the applicant's status as specified.

The bill would require the department to issue an applicant for a driver's license who submits on his or her application a federal individual taxpayer identification number or other number or identifier deemed appropriate by the department, and who does not have a valid application verification number issued by a regional service center of the federal Citizenship and Immigration Service, and who is otherwise eligible for a driver's license, a driver's license that permits driving, but is not acceptable by a federal agency for federal identification or any other official purpose as specified.

(6) Existing law provides that it is a misdemeanor for a person to knowingly assist in obtaining a driver's license or identification card for a person whose presence in the United States is not authorized under federal law.

This bill would instead provide that it is a misdemeanor for a person to knowingly assist in obtaining a license or card for which a person is not eligible under state law.

(7) Existing law prohibits a county, city, city or county, or special district from hiring a person for employment, or from hiring a volunteer to perform services, at specified areas, in a position having supervisory or disciplinary authority over a minor, if that person has been convicted of one of several specified offenses.

The bill would provide statutory authority for criminal background checks for those individuals, and applicants for a driver's license who submit a federal individual taxpayer identification number or other specified number instead of a social security number and who do not have a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified. The bill would prohibit the Department of Justice, in transmitting information to or otherwise communicating with federal agencies or authorities, from distinguishing between those groups of individuals.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the

state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(9) The bill would provide that its provisions are severable.

~~Under existing law, by statute, the minimum wage for all industries shall be not less than \$5.75 per hour on and after March 1, 1998. Also under existing law, the Industrial Welfare Commission is authorized to set a higher minimum wage in accordance with a prescribed procedure that includes the selection of wage boards to consider and make recommendations regarding wage issues. The current minimum wage for all industries, as established by the commission, is \$6.75 per hour on and after January 1, 2002.~~

~~This bill would increase the minimum wage to \$7.25 per hour, effective on and after July 1, 2007, and would further increase the minimum wage to \$7.75 per hour, effective on and after July 1, 2008. In addition, this bill would provide that the minimum wage shall be adjusted automatically every year thereafter on January 1, calculated by multiplying the minimum wage by the previous year's rate of inflation, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as*
2 *the California Real ID Act of 2006.*

3 *SEC. 2. The Legislature intends by the enactment of this act*
4 *to accomplish the following, upon receipt of full federal funding*
5 *to implement the federal Real ID Act of 2005 (Public Law*
6 *109-13).*

7 *(a) Meet or exceed the document and issuance standards set*
8 *forth in the federal Real ID Act of 2005, to ensure that California*
9 *has a federally recognized and acceptable driver's license and*
10 *identification card.*

11 *(b) Provide driver's licenses that permit driving, but cannot be*
12 *used for federal identification purposes, consistent with the*
13 *federal Real ID Act of 2005, to California drivers that cannot*
14 *meet the minimum identity confirmation requirements necessary*

1 *to obtain a federally recognized driver's license or identification*
2 *card.*

3 *SEC. 3. Section 5164 of the Public Resources Code is*
4 *amended to read:*

5 5164. (a) (1) A county or city or city and county or special
6 district shall not hire a person for employment, or hire a
7 volunteer to perform services, at a county or city or city and
8 county or special district operated park, playground, recreational
9 center, or beach used for recreational purposes, in a position
10 having supervisory or disciplinary authority over any minor, if
11 that person has been convicted of any offense specified in
12 paragraph (2).

13 (2) (A) Violations or attempted violations of Section 220,
14 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or any sex
15 offense listed in Section 290 of the Penal Code, except for the
16 offense specified in subdivision (d) of Section 243.4 of the Penal
17 Code.

18 (B) Any felony or misdemeanor conviction specified in
19 subparagraph (C) within 10 years of the date of the employer's
20 request.

21 (C) Any felony conviction that is over 10 years old, if the
22 subject of the request was incarcerated within 10 years of the
23 employer's request, for a violation or attempted violation of any
24 of the offenses specified in Chapter 3 (commencing with Section
25 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of
26 the Penal Code, wherein it is charged and proved that the
27 defendant personally used a deadly or dangerous weapon, as
28 provided in subdivision (b) of Section 12022 of the Penal Code,
29 in the commission of that offense, Section 217.1 of the Penal
30 Code, Section 236 of the Penal Code, any of the offenses
31 specified in Chapter 9 (commencing with Section 240) of Title 8
32 of Part 1 of the Penal Code, or any of the offenses specified in
33 subdivision (c) of Section 667.5 of the Penal Code, provided that
34 no record of a misdemeanor conviction shall be transmitted to the
35 requester unless the subject of the request has a total of three or
36 more misdemeanor convictions, or a combined total of three or
37 more misdemeanor and felony convictions, for violations listed
38 in this section within the 10-year period immediately preceding
39 the employer's request or has been incarcerated for any of those
40 convictions within the preceding 10 years.

(b) (1) To give effect to this section, a county or city or city and county or special district shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of any offense specified in subdivision (a). The county or city or city and county or special district shall screen, pursuant to Section 11105.3 of the Penal Code, any such prospective employee or volunteer, having supervisory or disciplinary authority over any minor, for that person's criminal background.

(2) Any local agency requests for Department of Justice records pursuant to this subdivision shall include the prospective employee's or volunteer's fingerprints, which may be taken by the local agency, and any other data specified by the Department of Justice. The request shall be made on a form approved by the Department of Justice. No fee shall be charged to the local agency for requesting the records of a prospective volunteer pursuant to this subdivision.

(c) This subdivision shall serve as the statutory authority for criminal background checks for individuals described in subdivision (a) of this section, and individuals described in paragraph (1) of subdivision (a) of Section 12801.10 of the Vehicle Code. In transmitting information to or otherwise communicating with federal agencies or authorities, the Department of Justice shall not in any way distinguish between the two groups of applicants described in this subdivision.

SEC. 4. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number, *and, in the case of the issuance or renewal of a driver's license, as an alternative to the social security account number, space for the applicant's federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801.*

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration

1 or certificate of title to a vehicle shall contain a section for the
2 applicant's driver's license or identification card number.

3 (c) ~~Any~~ A person who submits to the department a form that,
4 pursuant to subdivision (a), contains, *as appropriate*, a section
5 for the applicant's social security account number, *federal*
6 *individual taxpayer identification number, or other number or*
7 *identifier deemed appropriate by the department under*
8 *paragraph (2) of subdivision (a) of Section 12801*, or pursuant to
9 subdivision (b), the applicant's driver's license or identification
10 card number, if any, shall furnish the appropriate number *or*
11 *identifier* in the space provided.

12 (d) (1) The department shall not complete ~~any application that~~
13 ~~does not include the applicant's social security account number~~
14 ~~or an application for the issuance or renewal by the department~~
15 ~~of a driver's license or identification card number as required by~~
16 ~~subdivision (c); pursuant to Division 6 (commencing with Section~~
17 ~~12500) that does not include one of the following:~~

18 (A) *The applicant's social security account number.*

19 (B) *Subject to paragraph (2) of subdivision (a) of Section*
20 *12801, a federal individual taxpayer identification number.*

21 (C) *Subject to paragraph (2) of subdivision (a) of Section*
22 *12801, a number or identifier that is determined to be*
23 *appropriate by the department.*

24 (2) *The department shall not complete an application for the*
25 *issuance or transfer of the registration or certificate of title to a*
26 *vehicle that does not include one of the following:*

27 (A) *The applicant's driver's license number.*

28 (B) *The applicant's identification card number.*

29 (e) An applicant's social security account number, *federal*
30 *individual taxpayer identification number, or other number or*
31 *identification deemed appropriate by the department* shall not be
32 included by the department on ~~any~~ a driver's license,
33 identification card, registration, certificate of title, or any other
34 document issued by the department.

35 (f) Notwithstanding any other provision of law, information
36 regarding an applicant's social security account number, *federal*
37 *individual taxpayer identification number, or other information*
38 *collected under Section 1672.6, 12801, or 12801.2*, obtained by
39 the department pursuant to this section, is not a public record and

1 shall not be disclosed by the department except for any of the
2 following purposes:

3 (1) Responding to a request for information from an agency
4 operating pursuant to, and carrying out the provisions of, Part A
5 (Aid to Families with Dependent Children), or Part D (Child
6 Support and Establishment of Paternity), of Subchapter IV of
7 Chapter 7 of Title 42 of the United States Code.

8 (2) Implementation of Section 12419.10 of the Government
9 Code.

10 (3) Responding to information requests from the Franchise
11 Tax Board for the purpose of tax administration.

12 *SEC. 5. Section 1653.6 is added to the Vehicle Code, to read:*

13 *1653.6. Upon receipt of full federal funding to implement the*
14 *federal Real ID Act of 2005 (Public Law 109-13), the department*
15 *shall issue driver's licenses and identification cards under this*
16 *code that are in compliance with Section 202 of Title II of the*
17 *federal Real ID Act of 2005.*

18 *SEC. 6. Section 1672.6 is added to the Vehicle Code, to read:*

19 *1672.6. (a) Before being issued an original class C or M*
20 *driver's license under Article 3 (commencing with Section*
21 *12800) of Chapter 1 of Division 6, each applicant for that*
22 *driver's license shall sign a two part statement, that shall be*
23 *developed by the department.*

24 *(b) (1) The first part of the statement shall consist of a*
25 *disclosure informing the applicant of the following:*

26 *(A) It is unlawful to register to vote if you are not a citizen of*
27 *the United States. The issuance of a driver's license or*
28 *identification card does not establish that right.*

29 *(B) It may be unlawful to possess or to attempt to purchase a*
30 *firearm if you are not a citizen of the United States. The issuance*
31 *of a driver's license or identification card does not establish that*
32 *right.*

33 *(C) It is unlawful to serve on a jury unless you are a citizen of*
34 *the United States. The issuance of a driver's license or*
35 *identification card does not establish that right.*

36 *(D) The issuance of a driver's license is a license to drive a*
37 *motor vehicle. It does not establish eligibility for employment,*
38 *voter registration, or public benefits.*

39 *(2) Following each statement described in paragraph (1),*
40 *there shall be a space for the applicant's initials to acknowledge*

1 *that the applicant understands the limitations and entitlements*
2 *associated with issuance of a driver's license.*

3 *(c) The second part of the statement shall state that the*
4 *applicant affirms that if he or she is not a citizen or legal resident*
5 *of the United States that the applicant has applied for legal*
6 *residency or will apply for legal residency under the United*
7 *States immigration laws.*

8 *(d) The two part statement shall be signed by the applicant*
9 *under penalty of perjury declaring that the applicant read the*
10 *disclosure and attests to the truth of the affirmation.*

11 *SEC. 7. Section 1808.10 is added to the Vehicle Code, to*
12 *read:*

13 *1808.10. (a) The Department of Justice may request*
14 *information from the department about a person's social security*
15 *number or lack of social security number, for the sole purpose of*
16 *determining whether an applicant is eligible to possess a firearm,*
17 *dangerous weapon, or explosive.*

18 *(b) The Department of Justice shall not provide information*
19 *that the department provides pursuant to subdivision (a) to the*
20 *federal government or to any other law enforcement agency,*
21 *except in connection with prosecuting a person for illegally*
22 *attempting to purchase or obtain a firearm, dangerous weapon,*
23 *or explosive.*

24 *SEC. 8. Section 12800 of the Vehicle Code is amended to*
25 *read:*

26 *12800. Every*~~Every~~*An application for an original or a renewal of a*
27 *driver's license shall contain all of the following information:*

28 *(a) The applicant's true full name, age, sex, mailing address,*
29 *residence address,*~~and social security account number~~*social*
30 *security account number, federal individual taxpayer*
31 *identification number, or other number or identifier deemed*
32 *appropriate by the department under paragraph (2) of*
33 *subdivision (a) of Section 12801.*

34 *(b) A brief description of the applicant for the purpose of*
35 *identification.*

36 *(c) A legible print of the thumb or finger of the applicant.*

37 *(d) The type of motor vehicle or combination of vehicles the*
38 *applicant desires to operate.*

39 *(e) Whether the applicant has ever previously been licensed as*
40 *a driver and, if so, when and in what state or country and whether*

1 or not the license has been suspended or revoked and, if so, the
2 date of and reason for the suspension or revocation.

3 (f) Whether the applicant has ever previously been refused a
4 driver's license in this state and, if so, the date of and the reason
5 for the refusal.

6 (g) Whether the applicant, within the last three years, has
7 experienced, on one or more occasions, either a lapse of
8 consciousness or an episode of marked confusion caused by a
9 condition that may bring about recurrent lapses, or whether the
10 applicant has a disease, disorder, or disability that affects his or
11 her ability to exercise reasonable and ordinary control in
12 operating a motor vehicle upon a highway.

13 (h) Whether the applicant understands traffic signs and
14 signals.

15 (i) Whether the applicant has ever previously been issued an
16 identification card by the department.

17 (j) *Documentation acceptable to the department showing that*
18 *the applicant is presently residing in this state. The department*
19 *shall develop regulations specifying those documents that are*
20 *acceptable for this purpose. The regulations adopted to effect the*
21 *purposes of this subdivision are emergency regulations in*
22 *accordance with Chapter 3.5 (commencing with Section 11340)*
23 *of Part 1 of Division 3 of Title 2 of the Government Code.*

24 (k) Any other information that is necessary to enable the
25 department to determine whether the applicant is entitled to a
26 license under this code.

27 *SEC. 9. Section 12801 of the Vehicle Code is amended to*
28 *read:*

29 12801. (a) ~~Notwithstanding any other provision of law, the~~
30 *(1) The department shall require an application for the issuance*
31 *or renewal of a driver's license by the department to contain one*
32 *of the following:*

33 *(A) The applicant's social security account number and any*
34 *other.*

35 *(B) Subject to paragraph (2), a federal individual taxpayer*
36 *identification number.*

37 *(C) Subject to paragraph (2), a number or identifier that is*
38 *determined to be appropriate by the department.*

39 *(2) If an applicant signs an affidavit under penalty of perjury*
40 *attesting that he or she is presently not eligible for a social*

1 security account number and submits a federal individual
2 taxpayer identification number, or other number or identifier that
3 is deemed appropriate by the department, the submission of those
4 documents shall be acceptable to the department in lieu of a
5 social security account number until the applicant obtains a
6 social security account number. Upon obtaining a social security
7 account number, the applicant shall provide the department that
8 number under paragraph (1).

9 (3) The department shall not complete an application for the
10 issuance or renewal by the department of a driver's license that
11 does not include one of the following:

12 (A) The applicant's social security account number.

13 (B) Subject to paragraph (2), a federal individual taxpayer
14 identification number.

15 (C) Subject to paragraph (2), a number or identifier that is
16 determined to be appropriate by the department.

17 (b) Notwithstanding any other law, the social security account
18 number, federal individual taxpayer identification number, or
19 number or identifier that is determined to be appropriate by the
20 department collected on a driver's license application shall not be
21 displayed on the driver's license, including, but not limited to,
22 inclusion on a magnetic tape or strip used to store data on the
23 license.

24 SEC. 10. Section 12801.2 is added to the Vehicle Code, to
25 read:

26 12801.2. (a) The department shall require an applicant for
27 an original driver's license or identification card to present an
28 identification document acceptable to the department, for the
29 purpose of establishing identity prior to completing an
30 application.

31 (b) An applicant who furnishes the department with his or her
32 federal individual taxpayer identification number or other
33 number or identifier deemed appropriate by the department
34 pursuant to Section 1653.5, except for an applicant who has a
35 valid application number issued by a regional service center of
36 the federal Citizenship and Immigration Service of the United
37 States Department of Homeland Security, as described in Section
38 12801.3, shall present to the department a birth certificate or
39 record of birth, determined to be acceptable by the department,

1 issued by a foreign jurisdiction, and, in addition, one of the
2 following documents, determined acceptable by the department:

3 (1) *Matricula consular* issued by the government of the United
4 States of Mexico.

5 (2) A passport issued by a foreign jurisdiction.

6 (3) A military identification card bearing the applicant's
7 photograph, from the country of origin.

8 (4) A driver's license, bearing the applicant's photograph,
9 issued by a foreign jurisdiction.

10 (5) A driver's license, bearing the applicant's photograph,
11 issued by another state, possession or territory of the United
12 States.

13 (c) The department may, through regulations, accept
14 documents in addition to those specified in subdivision (b),
15 provided that those additional documents accurately confirm the
16 identity of the applicant.

17 (d) An applicant who does not possess a birth certificate or
18 birth record from his or her country of origin may present two or
19 more of the documents specified in subdivision (b) or referenced
20 in subdivision (c).

21 (e) An applicant who presents to the department a birth
22 certificate or record of birth issued by his or her country of
23 origin, but who does not possess any of the other documents
24 specified in subdivision (b), may present, in addition to the birth
25 certificate, a letter from the Consulate General of the applicant's
26 home country that confirms the authenticity of the birth record.

27 SEC. 11. Section 12801.25 is added to the Vehicle Code, to
28 read:

29 12801.25. (a) Within 10 days of receipt of a written notice of
30 the department's decision to deny an application on the basis of
31 the applicant's failure to satisfy the requirements of Section
32 12801.2, the applicant may request an administrative hearing to
33 appeal that denial. The notice of denial shall notify the applicant
34 of his or her hearing right, of the applicant's right to review
35 prior to the hearing, the department's records that were the basis
36 for the denial, and of the applicant's rights of subpoena pursuant
37 to Section 14104.5 of the Vehicle Code. Upon receipt of a
38 demand for hearing, the department shall schedule a hearing
39 within 15 days unless the party requests a later hearing date.

1 (b) The hearing shall be conducted pursuant to Sections
2 14104.2 and 14105 of the Vehicle Code.

3 (c) The applicant subject to a hearing may request a review of
4 the decision issued pursuant to subdivision (b) within 15 days of
5 the effective date of the decision. The review shall include an
6 examination of the hearing report, documentary evidence,
7 findings, and any new evidence offered by the applicant that was
8 not known to the applicant at the time of the initial hearing. The
9 hearing officer or board conducting the original hearing may not
10 participate in the review process. Following the review, a written
11 notice of the department's decision shall be mailed to the
12 applicant involved.

13 (d) At any time after issuance, the department, at its own
14 option or upon request of the person who was the subject of the
15 hearing, may reopen the matter, take further evidence, or change
16 or set aside any order previously made.

17 (e) Upon issuance of a final administrative decision, an
18 applicant may petition for a writ of mandate from a superior
19 court. The court shall deny the petition if it finds that the
20 administrative decision was supported by substantial evidence.

21 SEC. 12. Section 12801.3 is added to the Vehicle Code, to
22 read:

23 12801.3. (a) The Legislature hereby finds and declares all of
24 the following:

25 (1) There are residents of California who have applied to the
26 federal Citizenship and Immigration Service (CIS) of the United
27 States Department of Homeland Security for legal residency and
28 have had their applications accepted by the CIS for processing.

29 (2) The persons described in paragraph (1), who have made
30 themselves known to the federal government and have had their
31 applications for adjustment of status accepted by the CIS for
32 processing, are not deportable based on their immigration status.

33 (3) Persons with pending applications for adjustment of status
34 are issued application verification numbers on their notice of
35 action document by the CIS. These application verification
36 numbers are unique to each individual and can be verified
37 through the Case Status Service Online Internet Web site of the
38 CIS.

39 (4) California does not issue a driver's license to persons with
40 pending applications for adjustment of status. However, under

1 *the federal Real ID Act of 2005 (Public Law 109-13), a*
2 *temporary driver's license issued to a person with a pending*
3 *application for adjustment of status would be accepted for*
4 *official purposes under that federal act.*

5 *(b) (1) An applicant for a driver's license who has a valid*
6 *application verification number issued by a regional service*
7 *center of the CIS and is otherwise eligible for a driver's license*
8 *under this code, shall be issued a driver's license for a limited*
9 *term of 18 months. The department shall renew the license for*
10 *consecutive one-year periods until the date the department*
11 *determines that the CIS has taken a final action on the*
12 *applicant's legal residency application, or until the department*
13 *has implemented the federal Real ID Act of 2005, whichever date*
14 *occurs first.*

15 *(2) The department shall use the Case Status Service Online*
16 *Internet Web site of the CIS, or any other verification mechanism*
17 *deemed acceptable by the CIS and the department, to verify the*
18 *applicant's pending status.*

19 *(c) An applicant for a driver's license who submits on his or*
20 *her application a federal individual taxpayer identification*
21 *number, or other number or identifier deemed appropriate by the*
22 *department under paragraph (2) of subdivision (a) of Section*
23 *12801, instead of a social security number, and who does not*
24 *have a valid application verification number issued by a regional*
25 *service center of the CIS, and who is otherwise eligible for a*
26 *driver's license under this code, shall be issued a driver's license*
27 *that permits driving, but is not acceptable by a federal agency for*
28 *federal identification or for any other official purpose pursuant*
29 *to paragraph (11) of subsection (d) of Section 202 of Title II of*
30 *the federal Real ID Act of 2005.*

31 *SEC. 13. Section 12801.5 of the Vehicle Code is amended to*
32 *read:*

33 ~~12801.5. (a) Notwithstanding any other provision of law, the~~
34 ~~department shall require an applicant for an original driver's~~
35 ~~license or identification card to submit satisfactory proof that the~~
36 ~~applicant's presence in the United States is authorized under~~
37 ~~federal law.~~

38 ~~(b) The department shall not issue an original driver's license~~
39 ~~or identification card to a person who does not submit~~

1 ~~satisfactory proof that the applicant's presence in the United~~
2 ~~States is authorized under federal law.~~

3 ~~(e) The department shall adopt regulations to carry out the~~
4 ~~purposes of this section, including procedures for, but not limited~~
5 ~~to, (1) verifying that the applicant's presence in the United States~~
6 ~~is authorized under federal law, (2) issuance of a temporary~~
7 ~~license pending verification of the applicant's status, and (3)~~
8 ~~appeal hearings from a denial of a license, temporary license, or~~
9 ~~identification card.~~

10 ~~(d) On January 10 of each year, the department shall submit a~~
11 ~~supplemental budget report to the Governor and the Legislature~~
12 ~~detailed the costs of verifying the citizenship or legal residency~~
13 ~~of applicants for driver's licenses and identification cards, in~~
14 ~~order for the state to request reimbursement from the federal~~
15 ~~government.~~

16 ~~(e) Notwithstanding Section 40300 or any other provision of~~
17 ~~law, a peace officer may not detain or arrest a person solely on~~
18 ~~the belief that the person is an unlicensed driver, unless the~~
19 ~~officer has reasonable cause to believe the person driving is~~
20 ~~under the age of 16 years.~~

21 ~~(f)~~
22 ~~(b) The inability to obtain a driver's license pursuant to this~~
23 ~~section does not abrogate or diminish in any respect the legal~~
24 ~~requirement of every driver in this state to obey the motor vehicle~~
25 ~~laws of this state, including laws with respect to licensing, motor~~
26 ~~vehicle registration, and financial responsibility.~~

27 *SEC. 14. Section 12801.9 is added to the Vehicle Code, to*
28 *read:*

29 *12801.9. Notwithstanding any other provision of law, a*
30 *commercial driver's license applicant shall include the*
31 *applicant's social security account number in the application.*

32 *SEC. 15. Section 12801.10 is added to the Vehicle Code, to*
33 *read:*

34 *12801.10. (a) (1) The department shall require an applicant*
35 *described in subdivision (b) of Section 12801.2, except for an*
36 *applicant who has a valid application number issued by a*
37 *regional service center of the federal Citizenship and*
38 *Immigration Service of the United States Department of*
39 *Homeland Security, as described in Section 12801.3, to also*
40 *submit fingerprint images and related information taken by a*

1 person certified pursuant to Section 11102.1 of the Penal Code,
2 solely for purposes of determining whether subdivision (b)
3 applies to that applicant.

4 (2) (A) The department shall forward the fingerprint images
5 and related information received by it under paragraph (1) to the
6 Department of Justice for the purpose of obtaining information
7 regarding the existence and nature of the person's record of state
8 and federal criminal convictions.

9 (B) The information and fingerprint images obtained, or any
10 information or identifiers derived from the information obtained,
11 pursuant to this section by the Department of Justice or any other
12 agency or individual is private and confidential and shall not be
13 used for any purpose other than to determine whether the
14 applicant is ineligible for a driver's license based on his or her
15 conviction of a crime specified in subdivision (b).

16 (3) The Department of Justice shall forward to the federal
17 Bureau of Investigation requests received under paragraph (2)
18 for criminal offender record information at the federal level.

19 (4) Upon obtaining criminal offender record information on
20 an applicant for whom fingerprint images and related
21 information have been received under paragraph (2), or upon
22 receiving confirmation that no record exists, the Department of
23 Justice shall provide the department with a report on the
24 applicant, confirming the nonexistence of a criminal offender
25 record or containing the information described in subdivision (p)
26 of Section 11105 of the Penal Code.

27 (5) The Department of Justice shall assess the applicant a fee
28 that is sufficient to cover the Department of Justice's costs in
29 implementing this subdivision.

30 (b) The department shall not issue a driver's license to a
31 person on whom it receives a report under subdivision (a)
32 indicating that the person has a conviction of one or more of the
33 following:

34 (1) A public offense other than driving without a driver's
35 license.

36 (2) Illicit trafficking in a controlled substance, as defined in
37 Section 102 of the Controlled Substances Act (Section 802 of
38 Title 21 of the United States Code).

39 (3) Terrorist activities as described in Section 1182(a)(3)(B)
40 of Title 8 of the United States Code.

1 (4) *Other security and related grounds described in Section*
2 *1182(a)(3)(A) and (E) of Title 8 of the United States Code.*

3 (c) *The department shall provide a person who is denied a*
4 *driver's license under subdivision (b) with a notice describing*
5 *the specific reason for the denial and an opportunity to appeal*
6 *that decision. The notice shall include a list of the specific*
7 *offenses, the name of the court where the conviction was entered,*
8 *the disposition date of the case, the case number, if known, and*
9 *instructions of the procedure to appeal that decision, and how an*
10 *applicant may challenge information in his or her criminal*
11 *record.*

12 SEC. 16. *Section 12801.11 is added to the Vehicle Code, to*
13 *read:*

14 12801.11. (a) *The department shall require that an applicant*
15 *for a driver's license described in subdivision (b) of Section*
16 *12801.2, except for an applicant who has a valid application*
17 *number issued by a regional service center of the federal*
18 *Citizenship and Immigration Service of the United States*
19 *Department of Homeland Security, as described in Section*
20 *12801.3, affirm that he or she has been living in California for at*
21 *least one year prior to the date of the application. The applicant*
22 *shall submit evidence of at least two of the following:*

23 (1) *A current California rent receipt showing the applicant's*
24 *name and address.*

25 (2) *A current California mortgage receipt showing the*
26 *applicant's name and address.*

27 (3) *A current California utility receipt showing the applicant's*
28 *name and address.*

29 (4) *A document showing that the applicant is or has been*
30 *employed in the state.*

31 (5) *A document showing that the applicant has registered with*
32 *a public or private employment service in California.*

33 (6) *Evidence that the applicant has enrolled his or her child in*
34 *a school in the state.*

35 (7) *Evidence of a vehicle registered to the applicant in the*
36 *state.*

37 (b) *Notwithstanding subdivision (a), if an applicant does not*
38 *maintain a principal residence either inside or outside of this*
39 *state, the applicant does not have one of the residing verification*
40 *documents set forth in subdivision (a), and the applicant declares*

1 *under penalty of perjury that he or she does not have a principal*
2 *residence, the one year residency in subdivision (a) does not*
3 *apply.*

4 *SEC. 17. Section 14610.7 of the Vehicle Code is amended to*
5 *read:*

6 14610.7. It is a misdemeanor for ~~any~~ a person to knowingly
7 assist in obtaining a driver's license or identification card for ~~any~~
8 ~~which a person whose presence in the United States is not~~
9 ~~authorized under federal law is not eligible under state law.~~

10 *SEC. 18. Section 14900.2 is added to the Vehicle Code, to*
11 *read:*

12 14900.2. In lieu of the fee imposed under Section 14900, the
13 department shall charge an applicant for an original class C or
14 M driver's license who is described in subdivision (b) of Section
15 12801.2, except for an applicant who has a valid application
16 number issued by a regional service center of the federal
17 Citizenship and Immigration Service of the United States
18 Department of Homeland Security, as described in Section
19 12801.3, a fee that is sufficient to cover the costs incurred by the
20 department in processing that application.

21 *SEC. 19. Section 40000.11 of the Vehicle Code is amended to*
22 *read:*

23 40000.11. A violation of any of the following provisions is a
24 misdemeanor, and not an infraction:

25 (a) Division 5 (commencing with Section 11100), relating to
26 occupational licensing and business regulations.

27 (b) Section 12500, subdivision (a), relating to unlicensed
28 drivers.

29 (c) Section 12515, subdivision (b), relating to persons under
30 21 years of age driving, and the employment of those persons to
31 drive, vehicles engaged in interstate commerce or transporting
32 hazardous substances or wastes.

33 (d) Section 12517, relating to a special driver's certificate to
34 operate a schoolbus or school pupil activity bus.

35 (e) Section 12519, subdivision (a), relating to a special
36 driver's certificate to operate a farm labor vehicle.

37 (f) Section 12520, relating to a special driver's certificate to
38 operate a tow truck.

39 (g) Section 12804, subdivision (d), relating to medical
40 certificates.

(h) Section 12951, subdivision (b), relating to refusal to display license.

(i) Section 13004, relating to unlawful use of an identification card.

(j) Section 13004.1, relating to identification documents.

(k) Sections 14601, 14601.1, 14601.2, and 14601.5, relating to driving with a suspended or revoked driver's license.

(l) Section 14604, relating to unlawful use of a vehicle.

(m) Section 14610, relating to unlawful use of a driver's license.

(n) Section 14610.1, relating to identification documents.

(o) *Section 14610.7, relating to assisting in the unlawful attainment of identification documents.*

(p) Section 15501, relating to use of false or fraudulent license by a minor.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 21. The provisions of this act are severable. If any provision of this act or its applications is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or applications.

~~SECTION 1. Section 1182.12 is added to the Labor Code, to read:~~

~~1182.12.—(a) Notwithstanding any other provision of this part, on and after July 1, 2007, the minimum wage for all industries shall be not less than seven dollars and twenty-five cents (\$7.25) per hour, and on and after July 1, 2008, the minimum wage for all industries shall be not less than seven dollars and seventy-five cents (\$7.75) per hour.~~

~~(b) (1) The minimum wage shall be adjusted automatically each January 1, beginning January 1, 2009, to maintain employee purchasing power, which would otherwise be diminished by the rate of inflation that occurred during the previous year.~~

~~(2) The minimum wage shall be adjusted automatically by multiplying the minimum wage in effect on the prior June 30 by the percentage of inflation that occurred during the previous year; adding this amount of increase to the wage from the previous year, and rounding off the sum to the nearest five cents (\$0.05). The Industrial Welfare Commission shall publicize the automatically adjusted minimum wage, but if it cannot, then the Department of Industrial Relations shall do so.~~

~~(e) For purposes of subdivision (b), the following terms have the following meanings:~~

~~(1) “Percentage of inflation” means the percentage of inflation specified in the California Consumer Price Index for All Urban Consumers, as published by the Department of Industrial Relations, Division of Labor Statistics and Research, or its successor index.~~

~~(2) “Previous year” means the 12-month period that ended on March 31 of the calendar year prior to the adjustment.~~

~~(d) This section shall not be construed to either preclude an increase of the minimum wage by the Industrial Welfare Commission in an amount that is greater than the rate calculated pursuant to subdivision (b) or to permit a reduction in the minimum wage.~~